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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,850	11/30/2000	David H. Rose	1828.0002M	1172

7590 02/19/2002

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EXAMINER

EVANS, JEFFERSON A

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 02/19/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/725,850

Applicant(s)

Rose

Examiner
Jefferson Evans

Art Unit
2652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 28, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23, 25-35, and 37-44 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18, 25-30, 37-42, and 44 is/are allowed.
- 6) ☒ Claim(s) 19-23, 31-35, and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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This Application is a Reissue of Serial No. 08/544,950 filed 10-18-1995, U.S. Patent No. 5,844,757.

Claims 1-23, 25-35, and 37-44 are pending.

1. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Applicant has filed an offer to surrender the patent but has not yet actually surrendered the patent.

2. The rejection under 35 U.S.C. 112, first paragraph has been withdrawn, as the utilization of the phrase "storage medium" rather than "magnetic medium" in the added claims represents the use of a broader term to set forth the medium but that doing so does not represent the addition of new matter to the application. The Examiner's position remains however that the disclosure of the present application does not provide support for the storage medium taking any form other than a magnetic medium. The language in the disclosure that applicant points to as providing support for the medium taking other forms is essentially generic, boilerplate language that is not considered adequate to serve as enablement for the storage medium taking other forms such as CD or DVD.

3. Claims 19-23, 31-35, and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims set forth that the storage device in the form of a

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data card which is configured for direct insertion into a personal computer drive. However, it is noted that the feature in question does not appear to be provided by the data card but rather by features of an adaptor which may be permanently disposed within a floppy disk drive "to create a new and improved floppy disk drive". Are the claims in question claiming a data card or the combination of the data card and the adaptor permanently disposed within a floppy disk drive? The preceding uncertainty results in the metes and bounds of the claimed invention not being determinable.

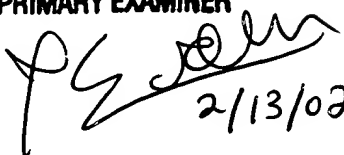
4. Claims 1-18, 25-30, 37-43, and 44 are allowable over the prior art of record. Note concerning claims 43 and 44 that the language "computer readable storage means" is only met by a magnetic storage medium as the specification does not provide support for any other type of storage medium. The specification does not provide enablement for optical storage mediums for example. Claims 19-23 and 31-35 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferson Evans, whose telephone number is (703) 308-1610. The examiner can normally be reached on Monday to Friday from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen, can be reached at (703) 305-9687. The facsimile number for this art unit is (703) 872-9314. Tech Center 2600 customer service office phone number is (703) 306-0377.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

JEFFERSON EVANS
PRIMARY EXAMINER


2/13/02